

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL DATA and DARLENE DATA,
his wife,

Plaintiffs,

vs.

A.O. SMITH CORPORATION;
A.R. WILFLEY & SONS, INC.;
ABB, INC., as successor to Brown Boveri
(Individually and as successor-in-interest to
ITE IMPERIAL CO f/k/a ITE CIRCUIT
BREAKER COMPANY);
ACCO MATERIAL HANDLING
SOLUTION, INC.;
AECOM ENERGY & CONSTRUCTION,
INC., f/k/a URS Energy & Construction,
Inc., f/k/a Catalytic Construction Company;
AHLSTROM PUMPS LLC;
AIR & LIQUID SYSTEMS
CORPORATION, successor-by-merger to
Buffalo Pumps, Inc.;
AJAX MAGNETHERMIC
CORPORATION;
ALFA LAVAL, INC.;
ALLIED GLOVE CORPORATION;
AMERICAN CAST IRON PIPE
COMPANY, individually and as siii to
Darling Valve & Mfg. Co.;
ARMSTRONG INTERNATIONAL, INC.;
ARMSTRONG PUMPS, INC.;
ATLAS INDUSTRIES, INC.;
ATWOOD & MORRILL Co., Inc., d/b/a
Weir Valves and Controls USA, Inc.;
AURORA PUMPS;
BAKER HUGHES, a GE Company, LLC;
BEAZER EAST, INC., in its own right and
as successor to Koppers, Co., Inc., and other
related companies, including Thiem
Corporation, Beazer USA, Inc., and Beazer,
PLC;
BMI REFRACTORY SERVICES, INC.;
BORGWARNER MORSE TEC LLC;

No. 2:19-cv-879

NOTICE OF REMOVAL

BRAND INSULATIONS, INC.;
BRYAN STEAM, LLC;
BURNHAM LLC;
BW/IP, INC.;
CAMERON INTERNATIONAL
CORPORATION, f/k/a Cooper Cameron
Corporation;
CAMPBELL HAUSFELD, LLC;
CARRIER CORPORATION;
CARVER PUMP COMPANY;
CASHCO, INC.;
CATERPILLAR, INC.;
CATERPILLAR GLOBAL MINING
AMERICA, LLC;
CBS CORPORATION, f/k/a Viacom, Inc.,
as Successor by Merger to CBS Corp,
f/k/a Westinghouse Electric Corporation;
CERTAINTEED CORPORATION;
CLARK EQUIPMENT COMPANY;
CLARK RELIANCE CORPORATION,
and its division Jerguson Gage and Valve;
CLEAVER-BROOKS f/k/a AQUA-CHEM;
CLYDE UNION, INC., d/b/a Clyde Union
Pumps, individually and as successor-by-
merger to Union Pump Company;
COLUMBUS MCKINNON CORP.,
successor-by-merger to Lift Tech
International, Inc., and its Shaw-Box Hoist
Division;
CORNING INCORPORATED, on behalf
of its former Corhart Refractories business
division;
CRANE COMPANY, INC.;
CROSBY VALVE, LLC;
CROWN CORK & SEAL USA, INC., f/k/a
Crown Cork & Seal Company (USA), Inc.,
as sii to Mundet Cork;
CUMMINS, INC.;
DANA COMPANIES, LLC;
DANIELI CORPORATION;
DAP, INC., n/k/a La Miranda Products Co.,
Inc.;
DEZURIK, INC.;
DICK CORPORATION;
DRAVO CORPORATION;
EATON CORPORATION, as successor-in-

interest to Cutler-Hammer, Inc., n/k/a
 Eaton Electrical Inc.;
 EICHLEAY CORPORATION;
 ELECTROLUX HOME PRODUCTS INC.,
 f/k/a WCI Outdoor Products, Inc.;
 ELLIOTT COMPANY, f/k/a Elliott
 Turbomachinery Co.;
 EMERSON CLIMATE TECHNOLOGIES,
 INC., in its own right and as successor-in-
 interest to Alco Valve Company;
 FLOWSERVE CORPORATION, f/k/a
 Durametallic Corporation;
 FLOWSERVE CORPORATION, f/k/a
 Duriron Company, Inc.;
 FLOWSERVE US, INC., solely as
 successor to Nordstrom Audco, Edward
 Valves Inc., Nordstrom Valves, Inc., and
 Rockwell Manufacturing Company;
 FLOWSERVE US, INC., f/k/a FSD Corp.,
 successor to Valtek International;
 FLSMIDTH DORR-OLIVER, INC., as
 successor-in-interest to Keeler/Dorr-Oliver
 Boiler Company;
 FLSMIDTH, INC., f/k/a Fuller Company;
 FMC CORPORATION;
 FORD MOTOR COMPANY;
 FOSTER WHEELER LLC;
 GARDNER DENVER, INC.;
 GENERAL ELECTRIC COMPANY;
 GENUINE PARTS COMPANY;
 GOULD ELECTRONICS, INC., f/k/a
 GD-TEK, INC.;
 GOULDS PUMPS, LLC;
 GREENE TWEED & COMPANY;
 GRINNELL, LLC;
 GUARD LINE, INC.;
 HONEYWELL, INC.;
 HONEYWELL INTERNATIONAL INC.,
 f/k/a Allied Signal, Inc., as successor-in-
 interest to the Bendix Corporation;
 HONEYWELL INTERNATIONAL, INC.,
 f/k/a Allied Signal, Inc., in its own right and
 as successor-in-interest to Allied
 Corporation (Wilputte Coke Oven Division),
 and as successor-in-interest to Allied
 Chemical (Wilputte Coke Oven Division),

and as successor-in-interest to Wilputte
Coke Oven Corporation;
HOWDEN NORTH AMERICA, INC., f/k/a
Howden Buffalo, Inc.;
HUNTER SALES CORPORATION;
HYSTER-YALE GROUP, INC.;
I.U. NORTH AMERICA, INC., as
successor by merger to The Garp Company,
formerly known as The Gage Company,
formerly known as Pittsburgh Gage and
Supply Company;
IMO INDUSTRIES, INC., f/k/a IMO
Delaval, Inc., f/k/a DeValco Corporation
Inc., f/k/a DeLaval Turbine, Inc.;
INDUCTOTHERM INDUSTRIES, INC.;
INDUSTRIAL HOLDINGS
CORPORATION, f/k/a Carborundum
Corporation;
INDUSTRIAL RUBBER PRODUCTS;
INGERSOLL-RAND CORPORATION;
ITT INDUSTRIES, INC.;
JOHNSON CONTROLS, INC.;
JOY GLOBAL SURFACE MINING, INC.,
f/k/a P&H Mining Equipment, f/k/a
Harnischfeger Corporation;
JOY GLOBAL UNDERGROUND
MINING, LLC, f/k/a Joy Technologies,
Inc.;
KELSEY-HAYES COMPANY;
LEEDS & NORTHRUP COMPANY;
LINDBERG;
LINDBERG MPH;
M.S. JACOBS & ASSOCIATES, INC.;
MACK TRUCKS, INC.;
MAGNETEK, INC.;
M.V.S. COMPANY f/k/a/Mahoning
Valley Supply Company of Youngstown
Ohio;
MALLINCKRODT US HOLDINGS, LLC;
MARMON HOLDINGS, INC.;
McCARLS, INC.;
MCMASTER CARR SUPPLY;
MCNALLY INDUSTRIES, LLC, in its
own right and its Northern Pumps Division,
in its own right;
MCNEIL (OHIO) CORPORATION;

MESTEK, INC.;
MET-PRO CORPORATION, and its Dean
Pump brand, d/b/a Met-Pro Global Pump
Solutions;
METROPOLITAN LIFE INSURANCE
COMPANY, f/k/a Metropolitan Insurance
Company;
MILWAUKEE VALVE COMPANY;
MINE SAFETY APPLIANCE COMPANY;
MINNOTTE CONTRACTING
CORPORATION;
MORGAN ENGINEERING SYSTEMS,
INC.;
MOYNO, INC.;
MUELLER CO., LLC;
MUELLER STEAM SPECIALTY;
MW CUSTOM PAPERS, LLC a/k/a
MEAD;
NAGLE PUMPS, INC.;
NAVISTAR, INC. f/k/a INTERNATIONAL
TRUCK AND ENGINE COMPANY;
NORTEK GLOBAL HVAC, LLC, as
successor by merger to Reznor, LLC;
NORTH AMERICAN
MANUFACTURING CO.;
OSRAM SYLVANIA, INC., in its own
right and as successor-in-interest to GTE
Products Corporation, The Clark Controller
Company and A.O. Smith Corporation;
PECORA CORPORATION;
PENNSYLVANIA POWER COMPANY;
PENTAIR VALVES & CONTROLS, LLC
f/k/a Keystone Valves and Controls, Inc.;
PNEUMO ABEX, LLC, as successor -in-
interest to Abex Corporation;
POWER PIPING COMPANY;
POWERMASTER PACIFIC PRODUCTS,
a/k/a Pacific Parts, Inc.;
RCH NEW CO, II LLC, f/k/a Robertson
Ceco Corporation, an alleged successor to
H.H. Robertson Company;
READING CRANE AND ENGINEERING
COMPANY;
RESEARCH-COTTRELL, INC., n/k/a
AWT COMPANY, INC.;
REUNION INDUSTRIES, INC.;

RILEY POWER, INC., f/k/a Riley Stoker Corporation;
ROBBINS & MYERS, INC.;
ROBINSON FANS, INC.;
ROCKWELL AUTOMATION, INC.,
successor by merger to Allen Bradley Co.;
RUST ENGINEERING &
CONSTRUCTION, INC., f/k/a Treco
Construction Services f/k/a the Rust
Engineering Company;
SAINT-GOBAIN ABRASIVES, INC.,
f/k/a Norton Company;
SAUER, INC.;
SCHNEIDER ELECTRIC USA, INC.,
f/k/a Square D Company;
SIEMENS INDUSTRY, INC., in its own
right, and as successor-in-interest to
I-T-E Circuit Breaker Company;
SIMAKAS COMPANY, INC.;
SPIRAX SARCO, INC.;
SPX COOLING TECHNOLOGIES, INC.,
f/k/a Marley Cooling Technologies, Inc.,
f/k/a The Marley Cooling Tower Company;
STERLING FLUID SYSTEMS (USA),
LLC;
SUNBEAM PRODUCTS, INC., as success-
in-interest to Sunbeam Corporation;
SUNDYNE, LLC;
SURFACE COMBUSTION;
SWINDELL-DRESSLER
INTERNATIONAL COMPANY;
THE GOODYEAR TIRE & RUBBER
COMPANY;
THE GORMAN-RUPP COMPANY;
THE NASH ENGINEERING COMPANY;
THE WILLIAM POWELL COMPANY;
TRANE U.S. INC., f/k/a American
Standard Corporation, f/k/a American
Radiator & Standard Sanitary, in its own
right and as successor to Westinghouse
Airbrake and/or WABCO;
TRUMBELL INDUSTRIES, INC., d/b/a
Trumbell Supply Company, Inc.;
TUTHILL CORPORATION;
UB WEST VIRGINIA, INC., f/k/a UNION
BOILER COMPANY;

UNION CARBIDE CORPORATION;
UNITED CONVEYOR CORPORATION;
UNITED STATES STEEL
CORPORATION;
VELAN VALVE CORPORATION;
VIKING PUMP, INC.;
W.W. GRAINGER, INC.;
WARREN PUMPS, LLC;
WASHINGTON GROUP
INTERNATIONAL f/k/a Raytheon
Engineers and Constructors, Inc., and all
its domestic subsidiaries including The
Badger Company, Inc.;
WATSON McDANIEL COMPANY;
WATTS REGULATOR CO.;
WEIL-McLAIN COMPANY;
WHEELABRATOR AIR POLLUTION
CONTROL, INC.;
WT/HRC CORPORATION, f/k/a Whiting
Corporation;
WTI RUST HOLDINGS, INC.;
YORK INTERNATIONAL
CORPORATION;
YUBA HEAT TRANSFER LLC;
ZURN INDUSTRIES, a/k/a Erie City Iron
Works;

Defendants.

**DEFENDANT GENERAL ELECTRIC COMPANY'S
NOTICE OF REMOVAL UNDER 28 U.S.C. § 1442(a)(1)**

AND NOW COMES the Defendant, General Electric Company (“GE”), by and through its undersigned counsel of record, and for its Notice of Removal to the United States District Court for the Western District of Pennsylvania, hereby states as follows:

1. GE removes this action from the Court of Common Pleas of Allegheny County, Pennsylvania to this United States district court based upon the federal officer removal statute, 28 U.S.C. § 1442(a)(1). That statute provides that a civil action that is commenced in a state court against, or directed to, “any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office” may be removed “to the district court of the United States for the district and division embracing the place wherein it is pending.”

2. Under 28 U.S.C. 1446(b), “a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” On June 25, 2019, GE’s counsel received from plaintiffs’ counsel such an “other paper,” specifically an affidavit signed by plaintiff Michael H. Data, in which he alleged for the first time that while serving as an enlisted sailor (with the rating of fireman) in the United States Navy aboard the warship USS Newport News (CA-148) between 1969 and 1973 he “worked on and around” various items of shipboard equipment, including “General Electric

turbines.”¹ Mr. Data asserted in that affidavit that work he personally performed on those GE turbines aboard the Newport News, as well as work that was performed on those GE turbines by shipyard contractors, caused him to be exposed to asbestos dust, resulting in the injury of which plaintiffs complain in this case.

3. The USS Newport News (hull number CA-148) was a Des Moines-class heavy cruiser launched by the Navy in 1948 and decommissioned some 27 years later in 1975, meaning that Mr. Data first went aboard about 21 years after the ship was launched and left the ship shortly before it was decommissioned. During the ship’s construction in the 1940s, the Navy equipped the Newport News with steam turbines manufactured by GE to drive the ship’s four propeller shafts. GE manufactured those Navy propulsion turbines as a federal defense contractor pursuant to U.S. government contracts that incorporated highly detailed military specifications promulgated by the Navy. GE was required to adhere to those military specifications, and GE’s work in connection with those Navy turbines was performed under the direct supervision and control of the Navy. The Navy’s control of GE’s work extended to all aspects of the design and manufacture of the turbines including, without limitation, the materials

¹ A copy of that affidavit is attached hereto as **Exhibit A**. Plaintiff elaborated on his alleged exposure to asbestos while serving in the Navy for the first time during his deposition taken on the same day his counsel produced the affidavit. Deposition of Michael Data, June 25, 2019 at 21-86, attached hereto as **Exhibit B**.

Although the affidavit was notarized on May 24, 2019, the affidavit was not produced to the defendants until the third day of Mr. Data’s deposition, which occurred on June 25, 2019. See Stipulation of Counsel, Deposition of Michael Data, July 11, 2019 at 49, attached hereto as **Exhibit C**. Plaintiffs’ initial state court complaint was filed on April 26, 2019 and served upon GE on May 3, 2019 (Court of Common Pleas of Allegheny County No. GD 19-006253), attached hereto as **Exhibit D** (also included in the materials collectively attached as **Exhibit E**). That pleading, however, did not disclose to GE that the case was removable. The Data affidavit alleging asbestos exposure arising from GE turbines installed aboard the USS Newport News was the first paper received by GE from which it could be ascertained that the case was removable. See *Papp v. Fore-Kast Sales Co.*, 842 F.3d 805, 816 n.10 (3d Cir. 2016). See also *Seigfried v. Allegheny Ludlum Corp.*, 2009 WL 1035001, No. 2:09-CV-00125-AJS-RCM in the United States District Court for the Western District of Pennsylvania, Report and Recommendation to Deny Motion for Remand, Document No. 183 (Mitchell, J.), filed on March 25, 2009, adopted by the Court, Document No. 188 (Schwab, J.), filed on April 17, 2009 (notice of removal was timely when removal was filed within thirty days of receipt of the first paper that identified the product in the Navy to which the plaintiff claimed to be exposed).

used to manufacture the turbines and the content of written materials and warnings associated with the turbines. Accordingly, 28 U.S.C. § 1442(a)(1) authorizes GE to remove this civil action from state court to this court as a defense contractor acting under an officer or agency of the United States, in order to assert defenses arising under the laws of the United States including, without limitation, the government contractor defense.

4. In accordance with 28 U.S.C. § 1446(a) and the local requirements of this Court, GE hereby attaches as *Exhibits "E.001"* through *"E.021"* the docket and copies of all pleadings and papers on file in the Court of Common Pleas of Allegheny County to date.² These papers include, without limitation, all "process, pleadings, and orders served upon" GE, as required by 28 U.S.C. § 1446(a).

5. As described above, this Notice of Removal has been filed within thirty (30) days from the date of GE's receipt of the above described Michael H. Data affidavit. That affidavit constitutes the first paper in which plaintiffs ever asserted any claim against GE based upon Mr. Data's alleged exposure to asbestos arising from GE Navy turbines installed aboard the USS Newport News. This Notice of Removal is, therefore, timely filed under the provisions of 28 U.S.C. § 1446(b).

6. To remove a case under 28 U.S.C. § 1442(a)(1), a defendant must meet four requirements: (1) the defendant is a "person" within the meaning of the statute; (2) the plaintiff's claims are based upon the defendant's conduct "acting under" the United States, its agencies, or its officers; (3) the plaintiff's claims against the defendant are "for, or relating to" an act under

² It is possible that some filings in the state court have occurred in the short interval between the time that GE obtained such copies from the court and the filing of this notice of removal. GE is prepared to supplement this filing, if required, with any such items filed up to the date of filing of this notice of removal.

color of federal office; and (4) the defendant raises a colorable federal defense to the plaintiff's claims. *Papp v. Fore-Kast Sales Co.*, 842 F.3d 805, 812 (3d Cir. 2016).

7. All four of those requirements are met here. **First**, as a corporation, GE is in legal fact a person. *Id.* **Second**, plaintiffs' claims are directed at actions GE took while working under a federal contract to produce an item the government needed (Navy propulsion turbines for the USS Newport News) and that the government otherwise would have been forced to produce on its own. *Id.* at 813. That satisfies the "acting under" requirement. *Id.* **Third**, GE manufactured the turbines for the Navy in accordance with highly detailed military specifications under the direct supervision and control of the Navy, and the Navy's control of GE's work extended to all aspects of the design and manufacture of the turbines including, without limitation, the materials used to manufacture the turbines and the content of written materials and warnings associated with the turbines. That satisfies the "for, or relating to" requirement. *Id.* **Fourth**, as explained below, GE raises a colorable federal defense, namely the government contractor defense.

8. As recognized in *Boyle v. United Technologies Corp.*, 108 S.Ct. 2510 (1988), GE has a federal defense to plaintiffs' claims in connection with the propulsion turbines that were installed aboard the USS Newport News: government contractor immunity, also known as the government contractor defense or the military contractor defense. *See Papp v. Fore-Kast Sales Co.*, 842 F.3d 805, 814-815 (3d Cir. 2016). A government contractor defense exists when (1) the United States approved reasonably precise specifications, (2) the equipment conformed to those specifications, and (3) the contractor warned the government about any dangers known to the contractor but not to the government. *Id.* at 814. As described above, the Navy propulsion turbines installed aboard the USS Newport News were manufactured by GE in accordance with highly detailed military specifications promulgated by the Navy. Those turbines were thereafter

accepted by the Navy and installed aboard the USS Newport News, thereby establishing that the turbines conformed to the Navy's specifications. And GE had no knowledge of the dangers of asbestos that was not already known by the government.

9. Unlike the general removal statute, the federal officer removal statute is to be broadly construed in favor of providing the defendant with a federal forum. *Papp v. Fore-Kast Sales Co.*, 842 F.3d 805, 811-812 (3d Cir. 2016). *See also Durham v. Lockheed Martin Corp.*, 445 F.3d 1247, 1252 (9th Cir. 2006) (the history of the Federal Officer Removal Statute demonstrates "a clear command from both Congress and the Supreme Court that when federal officers and their agents are seeking a federal forum, we are to interpret section 1442 broadly in favor of removal"). Recent legislative changes underscore the intent of Congress that federal defense contractors like GE be given ready access to a federal forum to litigate federal defenses. In the Removal Clarification Act of 2011, Congress expanded the scope of the federal officer removal statute to further facilitate access to a federal forum for federal officers and federal contractors sued in state court. *See* Pub. L. No. 112-51, Nov. 9, 2011, 125 Stat. 545. The statute previously authorized removal in cases brought against any officer of the United States, or any person acting under that officer, "for" any act under color of such office. In its 2011 amendments, Congress added the language "or relating to" any act under color of such office. *Id.* That change was "intended to broaden the universe of acts that enable Federal officers to remove to Federal court." H.R. Rep. No. 112-17, pt. 1, at 6 (2011). The 2011 amendments also added to 28 U.S.C. § 1447(d) a right of appeal from orders remanding federal officer removal cases to state court. Previously, such remand orders in federal officer removal cases were treated like any other remand orders in cases removed on other grounds such as diversity of citizenship: they were ordinarily shielded from appellate review. By creating a right to appellate review of

remand orders in federal officer removal cases, Congress meant to “ensure that any individual drawn into a State legal proceeding based on that individual’s status as a Federal officer has the right to remove the proceeding to a U.S. district court for adjudication.” H.R. Rep. No. 112-17, at 1-2 (2011). The results of this newly created right to appellate review of remand orders were significant. Since 2011, six of the circuit courts of appeals, including the Third Circuit, have reviewed orders by district courts remanding (or, in one instance, declining to remand) federal officer removal cases to state court. In each of those cases, the circuit court upheld removal by federal defense contractors in circumstances virtually identical to those presented in this case, and no circuit has ruled otherwise. *Sawyer v. Foster Wheeler LLC*, 860 F.3d 249 (4th Cir. 2017); *Zeringue v. Crane Co.*, 846 F.3d 785 (5th Cir. 2017); *Papp v. Fore-Kast Sales Co.*, 842 F.3d 805 (3d Cir. 2016); *Cuomo v. Crane Co.*, 771 F.3d 113 (2d Cir. 2014); *Leite v. Crane Co.*, 749 F.3d 1117 (9th Cir. 2014); *Ruppel v. CBS Corp.*, 701 F.3d 1176 (7th Cir. 2012);. Moreover, a defendant need not win his case before he can have it removed. *Papp*, 842 F.3d at 815. Instead, the defendant’s federal defense need only be plausible. *See e.g., Ruppel v. CBS Corp.*, 701 F.3d at 1182. GE is thus entitled to remove this case under 28 U.S.C. §1442(a)(1). *See Papp; Seigfried v. Allegheny Ludlum Corp.*, No. 2009 WL 1035001, 2:09-CV-00125-AJS-RCM in the United States District Court for the Western District of Pennsylvania, Report and Recommendation to Deny Motion for Remand, Document No. 183 (Mitchell, J.), filed on March 25, 2009, adopted by the Court, Document No. 188 (Schwab, J.), filed on April 17, 2009.

10. All that is required in a notice of removal by 28 U.S.C. § 1446 is a “short and plain statement of the grounds for removal.” *See Dart Cherokee Basin Operating Co. v. Owens*, 135 S. Ct. 547, 553 (2014) (“Congress, by borrowing the familiar ‘short and plain statement’ standard from Rule 8(a), intended to ‘simplify the pleading requirements for removal’ and to

clarify that courts should ‘apply the same liberal rules [to removal allegations] that are applied to other matters of pleading.’”) There is no requirement that a notice of removal be accompanied by a comprehensive evidentiary showing. *See, e.g., Morgan v. Bill Vann Co., Inc.*, No. CA-11-0535-WS-B, 2011 WL 6056083, at *4 (S.D. Ala. Dec. 6, 2011). If needed, defendants may later supplement the record with evidence supporting their short and plain statements. *See Ruppel v. CBS Corp.*, 701 F.3d 1176, 1184 n.1 (7th Cir. 2012); *Morgan*, 2011 WL 6056083, at *4 (explaining that “federal courts have routinely allowed defendants removing on the basis of federal officer jurisdiction either to make an evidentiary showing post-removal or to rely on factual allegations in the notice of removal untethered to specific evidentiary proof.”). Should any party file a motion to remand this case, GE respectfully requests an opportunity to respond more fully in writing and to supplement the record with such evidence as might be required under the circumstances.

11. GE is not required to notify and obtain the consent of any other defendant in this action in order to remove the action as a whole under section 1442(a)(1). *Akin v. Ashland Chemical Co.*, 156 F.3d 1030 (10th Cir. 1998); *Ely Valley Mines, Inc. v. Hartford Accident Indem. Co.*, 644 F.2d 1310, 1315 (9th Cir. 1981).

12. This Notice of Removal is being filed in the Western District of Pennsylvania, the District Court of the United States for the district and division within which the state court action is pending, as required by 28 U.S.C. §§ 1441(a) and 1446(a).

13. Pursuant to 28 U.S.C. § 1446(d), a copy of the Notice of Removal and the Notice of Filing of Notice of Removal will be provided to Plaintiff and filed with the Department of Court Records for the Court of Common Pleas of Allegheny County.

14. By filing this Notice of Removal, GE does not waive any defense or rights that may be available to it.

15. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. § 1446(a).

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

SPILMAN THOMAS & BATTLE PLLC

By: s/ Bryan S. Neft

Bryan S. Neft, Esquire
Pa. I.D. No. 60007
One Oxford Centre
301 Grant Street
Suite 3440
Pittsburgh, PA 15219
(412) 325-3001

Attorneys for Defendant General Electric Company

Dated: July 22, 2019

Doc #11960070

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 22nd day of July, 2019, a true and correct copy of the foregoing **Notice of Removal** was served upon plaintiffs' counsel and all defense counsel of record through the Court's CM/ECF system. Absent confirmation from the court that such electronic service has been made, service is being made upon plaintiffs' counsel by first class mail, postage prepaid, addressed as follows, and upon all other known counsel of record at the addresses and in the manner set forth on the attached service list:

Charles McLeigh, Esquire
Leif Ochletree, Esquire
Goldberg, Persky & White, P.C.
11 Stanwix Street, 18th Floor
Pittsburgh, PA 15222

Attorneys for Plaintiffs

SPILMAN THOMAS & BATTLE PLLC

By: s/Bryan S. Neft
Bryan S. Neft, Esquire

*Attorneys for Defendant,
General Electric Company*

SERVICE LIST**MICHAEL DATA AND DARLENE DATA v. A.O. SMITH CORPORATION**

To the extent not served pursuant to the Courts CM/ECF system, service of the foregoing pleading (without exhibits) is being made upon counsel for all parties by first class mail, addressed as follows, except that all counsel of the firm of Pietragallo Gordon Alfano Bosick & Raspanti, LLP are being served by hand delivery. Copies of all exhibits will be provided to any party upon request.

<i>Party</i>	<i>Counsel of Record</i>
Michael Data and Darlene Data, his wife (Plaintiffs)	Charles J. McLeigh, Esquire Leif Ocheltree, Esquire Goldberg, Persky & White, P.C. 11 Stanwix Street, Suite 1800 Pittsburgh, PA 15222 (412) 471-3980
A.O. SMITH CORPORATION	Andrew F. Adomitis, Esquire Leo Gerard Daly, Esquire Litchfield Cavo LLP Two Gateway Center, 10 th Floor 603 Stanwix Street Pittsburgh, PA 15222 (412) 291-8240
A.R. WILFLEY & SONS, INC.	Kimberly A. Martin-O'Bryan, Esquire DeHay & Elliston, LLP 5 Greenbrier Street Charleston, WV 25311 (304) 539-5824
ABB, INC., as successor to Brown Boveri (Individually and as successor-in-interest to ITE IMPERIAL CO f/k/a ITE CIRCUIT BREAKER COMPANY)	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
ACCO MATERIAL HANDLING SOLUTION, INC.	Edward A. Miller, Esquire Melissa D. Cochran, Esquire Renee D. Loya, Esquire Steptoe & Johnson PLLC 11 Grandview Circle, Suite 200 Canonsburg, PA 15317 (724) 749-3140
AECOM ENERGY & CONSTRUCTION, INC., f/k/a URS Energy & Construction Inc.,	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba

f/k/a Catalytic Construction Company	Two Gateway Center, 17 North 603 Stanwix Street Pittsburgh, PA 15222 (412) 255-0500
AHLSTROM PUMPS LLC	Richard P. O'Leary, Esquire Troutman Sanders LLP 875 Third Avenue New York, New York 10022 (212) 704-6000
AIR & LIQUID SYSTEMS CORPORATION, successor-by-merger to Buffalo Pumps, Inc.	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba 603 Stanwix Street Two Gateway Center, 17 North Pittsburgh, PA 15222 (412) 255-0500
AJAX MAGNETHERMIC CORPORATION	Mark E. Floyd, Esquire William J. Witte, Esquire Riley, Hewitt, Witte & Romano, P.C. 650 Washington Road, Suite 300 Pittsburgh, PA 15228 (412) 341-9300
ALFA LAVAL, INC.	Shannan Noe Cerrone, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222-5402 (412) 281-7272
ALLIED GLOVE CORPORATION	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
AMERICAN CAST IRON PIPE COMPANY, individually and as sii to Darling Valve A& Mfg. Co.	(No appearance docketed)
ARMSTRONG INTERNATIONAL, INC.	Richard C. Polley, Esquire Shannan Noe Cerrone, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222-5402 (412) 281-7272
ARMSTRONG PUMPS, INC.	Adam J. Warhola, Esquire Timothy J. Chiappetta, Esquire Dickie, McCamey & Chilcote, P.C.

	Two PPG Place, Suite 400 Pittsburgh, PA 15222 (412) 281-7272
ATLAS INDUSTRIES, INC.	Kelly L. Smith, Esquire Litchfield Cavo LLP Two Gateway Center, 10 th Floor 603 Stanwix Street Pittsburgh, PA 15222 (412) 291-8240
ATWOOD & MORRILL Co., Inc., d/b/a Weir Valves and Controls USA, Inc.	Daniel E. Krauth, Esquire Samantha A. Stewart, Esquire Zimmer Kunz PLLP 310 Grant Street, Suite 3000 Pittsburgh, PA 15219 (412) 281-8000
AURORA PUMPS	Joseph R. Schaper, Esquire Maron Marvel Bradley Anderson & Tardy LLC The Landmarks Building Suite 250 100 West Station Square Drive Pittsburgh, PA 15219 (412) 281-5560
BAKER HUGHES, a GE Company, LLC	Philip P. Keating, Esquire Steptoe & Johnson PLLC 11 Grandview Circle, Suite 200 Canonsburg, PA 15317 (724) 749-3103
BEAZER EAST, INC., in its own right and as successor to Koppers Co., Inc., and other related companies, including Thiem Corporation, Beazer USA, Inc., and Beazer, PLC	Robert R. Leight, Esquire Mark A. Fiorilli, Esquire Spilman Thomas & Battle, PLLC One Oxford Centre, Suite 3440 301 Grant Street Pittsburgh, PA 15219 (412) 325-3301
BMI REFRACTORY SERVICES, INC.	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire William & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
BORGWARNER MORSE TEC LLC	Hunter A. McGeary, Jr., Esquire McGeary Law Offices 651 Holiday Drive Foster Plaza 5, Suite 300 Pittsburgh, PA 15220

	(412) 761-0770
BRAND INSULATIONS, INC.	Michael Magee, Esquire Dinsmore & Shohl, LLP 1300 Six PPG Place Pittsburgh, PA 15222 (412) 281-5000
BRYAN STEAM, LLC	(No appearance docketed)
BURNHAM LLC	Andrew F. Adomitis, Esquire Leo Gerard Daly, Esquire Litchfield Cavo LLP One Gateway Center, Suite 600 420 Fort Duquesne Boulevard Pittsburgh, PA 15222 (412) 291-8240
BW/IP, INC.	Segal McCambridge Singer & Mahoney 1818 Market Street - Suite 2600 Philadelphia, PA 19103 (215) 972-8015
CAMERON INTERNATIONAL CORPORATION, f/k/a Cooper Cameron Corporation	Nicholas J. Koch, Esquire Frost Brown Todd LLC Union Trust Building 501 Grant Street, Suite 800 Pittsburgh, PA 15219 (412) 513-4300
CAMPBELL HAUSFELD, LLC	Cathy R. Gordon, Esquire Litchfield Cavo. LLP Two Gateway Center 603 Stanwix Street, 10 th Floor Pittsburgh, PA 15222 (412) 291-8240
CARRIER CORPORATION	Edward A. Miller, Esquire Melissa D. Cochran, Esquire Renee D. Loya, Esquire Steptoe & Johnson PLLC 11 Grandview Circle, Suite 200 Canonsburg, PA 15317 (724) 749-3140
CARVER PUMP COMPANY	Robert N. Spinelli, Esquire Eric A. Fischer, Esquire James M. Leety, Esquire Katherine A. Lowery, Esquire Kelley Jasons McGowan Spinelli Hanna & Reber, LLP Two Liberty Place, Suite 1900 50 South 16 th Street

	Philadelphia, PA 19102 (215) 854-0658 Gulf Tower Building, Suite 2701 707 Grant Street Pittsburgh, PA 15219 (412)434-6577
CASHCO INC.	Michael A. Karaffa, Esquire Erin N. Margolin, Esquire Marshall Dennehey Warner Coleman & Goggin, P.C. Union Trust Building 501 Grant Street, Suite 700 Pittsburgh, PA 15219 (412) 803-1140
CATERPILLAR, INC.	Edward A. Smallwood, Esquire Litchfield Cavo LLP Two Gateway Center 603 Stanwix Street, 10 th Floor Pittsburgh, PA 15222 (412) 291-8243
CATERPILLAR GLOBAL MINING AMERICA, LLC	(No appearance docketed)
CBS CORPORATION, f/k/a Viacom, Inc., as Successor by Merger to CBS Corp., f/k/a Westinghouse Electric Corporation	Eric Horne, Esquire Eckert Seamans Cherin & Mellott, LLC 600 Grant Street, 45 th Floor Pittsburgh, PA 15219 (412) 566-1289
CERTAINTED CORPORATION	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba 603 Stanwix Street Two Gateway Center, 17 North Pittsburgh, PA 15222 (412) 255-0500
CLARK EQUIPMENT COMPANY	Patrick T. Reilly, Esquire Erin N. Margolin, Esquire Marshall Dennehey Warner Coleman & Goggin, P.C. Union Trust Building 501 Grant Street, Suite 700 Pittsburgh, PA 15219 (412) 803-1140
CLARK RELIANCE CORPORATION, and its division Jerguson Gage and Valve	Vincent Scaglione, Jr. Esquire Max T. Busatto, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400

	Pittsburgh, PA 15222-5402 (412) 281-7272
CLEAVER-BROOKS f/k/a AQUA-CHEM	Andrew F. Adomitis, Esquire Leo Gerard Daly, Esquire Litchfield Cavo LLP Two Gateway Center, 10 th Floor 603 Stanwix Street Pittsburgh, PA 15222 (412) 291-8240
CLYDE UNION, INC., d/b/a Clyde Union Pumps, individually and as successor-by-merger to Union Pump Company	Andrew F. Adomitis, Esquire Leo Gerard Daly, Esquire Litchfield Cavo LLP Two Gateway Center, 10 th Floor 603 Stanwix Street Pittsburgh, PA 15222 (412) 291-8240
COLUMBUS MCKINNON CORP., successor-by-merger to Lift Tech International, Inc., and its Shaw-Box Hoist Division	Kevin M. Ward, Esquire Swartz Campbell, LLC Koppers Building 436 7 th Avenue, Floors 7 & 8 Pittsburgh, PA 15219 (412) 232-9800
CORNING INCORPORATED, on behalf of its former Corhart Refractories business division	John M. Schollaert, Esquire Marks, O'Neill, O'Brien, Doherty & Kelly, P.C. 2600 Golf Tower 707 Grant Street Pittsburgh, PA 15219 (412) 391-6171
CRANE COMPANY, INC.	Michael J.R. Schalk K&L Gates LLP K&L Gates Center 210 Sixth Avenue Pittsburgh, PA 15222-2613 (412) 355-6500
CROSBY VALVE, LLC	Joseph W. Selepe, Esquire Adam S. Auchey, Esquire Zimmer Kunz, PLLC 310 Grant Street, Suite 3000 Pittsburgh, PA 15219 (412) 281-8000
CROWN CORK & SEAL USA, INC., f/k/a Crown Cork & Seal Company (USA), Inc., as siii to Mundet Cork	(No appearance docketed)
CUMMINS, INC.	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba

	603 Stanwix Street Two Gateway Center, 17 North Pittsburgh, PA 15222 (412) 255-0500
DANA COMPANIES, LLC	(No appearance docketed)
DANIELI CORPORATION	(No appearance docketed)
DAP, INC., n/k/a La Miranda Products Co., Inc.	Jennifer E. Watson Wilbraham Lawler & Buba Two Gateway Center, 17 North 603 Stanwix Street Pittsburgh, PA 15222 (412) 255-0500
DEZURIK, INC.	Joseph R. Schaper, Esquire Maron Marvel Bradley Anderson & Tardy LLC The Landmarks Building Suite 250 100 West Station Square Drive Pittsburgh, PA 15219 (412) 281-5560
DICK CORPORATION	(No appearance docketed)
DRAVO CORPORATION	Hilary C. Bonenberger, Esquire Litchfield Cavo LLP Two Gateway Center 603 Stanwix Street, 10 th Floor Pittsburgh, PA 15222 (412) 291-8240
EATON CORPORATION, as successor-in-interest to Cutler-Hammer, Inc., n/k/a Eaton Electrical Inc.	Tiffany J. Giangliulio, Esquire Erin N. Margolin, Esquire Marshall Dennehey Warner Coleman & Goggin, P.C. Union Trust Building 501 Grant Street, Suite 700 Pittsburgh, PA 15219 (412) 803-1140
EICHLEAY CORPORATION	Daniel E. Krauth, Esquire Zimmer Kunz, PLLC 310 Grant Street, Suite 3000 Pittsburgh, PA 15219 (412) 281-8000
ELECTROLUX HOME PRODUCTS INC., f/k/a WCI Outdoor Products, Inc.	Vincent Scaglione, Jr. Esquire Max T. Busatto, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222-5402 (412) 281-7272
ELLIOTT COMPANY, f/k/a Elliott	Steven A. Luxton

Turbomachinery Co.	Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004 (202) 739-5452
EMERSON CLIMATE TECHNOLOGIES, INC., in its own right and as successor-in-interest to Alco Valve Company	Joseph W. Selep, Esquire Adam S. Auchey, Esquire Zimmer Kunz, PLLC 310 Grant Street, Suite 3000 Pittsburgh, PA 15219 (412) 281-8000
FLOWERVE CORPORATION, f/k/a Durametallic Corporation	Edward A. Miller, Esquire Melissa D. Cochran, Esquire Renee D. Loya, Esquire Steptoe & Johnson PLLC 11 Grandview Circle, Suite 200 Canonsburg, PA 15317 (724) 749-3143
FLOWERVE CORPORATION, f/k/a Duriron Company, Inc.	(No appearance docketed)
FLOWERVE US, INC., solely as successor to Nordstrom Audco, Edward Valves Inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company	Bernard L. Levinthal, Esquire Terence M. Pitt, Esquire Goldfein & Joseph, P.C. 1880 John F. Kennedy Blvd., 20 th Floor Philadelphia, PA 19103 (215) 979-8200
FLOWERVE US, INC., f/k/a FSD Corp., successor to Valtek International	John A. Turlik, Esquire Segal McCambridge Singer & Mahoney 1818 Market Street - Suite 2600 Philadelphia, PA 19103 (215) 972-8015
FLSMIDTH DORR-OLIVER, INC., as successor-in-interest to Keeler/Dorr-Oliver Boiler Company	Joseph R. Schaper, Esquire Maron Marvel Bradley Anderson & Tardy LLC The Landmarks Building 100 West Station Square Drive Suite 250 Pittsburgh, PA 15219 (412) 281-5560
FLSMIDTH, INC., f/k/a Fuller Company	Patrick T. Reilly, Esquire Ryan M. Krescanko, Esquire Marshall Dennehey Warner Coleman & Goggin, P.C. Union Trust Building 501 Grant Street, Suite 700

	Pittsburgh, PA 15219 (412) 803-1140
FMC CORPORATION	W. Matthew Reber, Esquire Christopher S. Arnold, Esquire Katherine A. Lowery, Esquire Matthew J. Doz, Esquire Kelley Jasons McGowan Spinelli Hanna & Reber, LLP Two Liberty Place, Suite 1900 50 South 16 th Street Philadelphia, PA 19102 (215) 854-0658 Gulf Tower Building, Suite 2701 707 Grant Street Pittsburgh, PA 15219 (412) 434-6577
FORD MOTOR COMPANY	Eric L. Horne, Esquire Daniel J. Sinclair, Esquire Eckert Seamans Cherin & Mellott, LLC US Steel Tower 600 Grant Street, 44 th Floor Pittsburgh, PA 15219 (412) 566-6000
FOSTER WHEELER, LLC	Dennis F. Wolford, Esquire Kathryn L. Johnston, Esquire Reed, Tosh, Wolford & Douglass 999 Third Street Beaver, PA 15009 (724) 774-9220
GARDNER DENVER, INC.	(No appearance docketed)
GENERAL ELECTRIC COMPANY	Bryan Neft, Esquire Spilman Thomas & Battle, PLLC One Oxford Centre, Suite 3440 Pittsburgh, PA 15219 (412) 325-3301
GENUINE PARTS COMPANY	Patrick A. Hewitt, Esquire Alba A. Romano, Esquire Riley, Hewitt, Witte & Romano, P.C. 650 Washington Road, Suite 300 Pittsburgh, PA 15228 (412) 341-9300
GOULD ELECTRONICS, INC., f/k/a GD-TEK, INC.	Christopher H. Jones, Esquire Jessica L. Titler-Lingle, Esquire McElroy, Deutsch, Mulvaney &

	Carpenter, LLP 1617 John F. Kennedy Boulevard Suite 1500 Philadelphia, PA 19103 (215) 557-2900
GOULDS PUMPS, LLC	Steven A. Luxton, Esquire Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004 (202) 739-3001
GREENE TWEED & COMPANY	Dennis F. Wolford, Esquire Kathryn L. Johnston, Esquire Reed, Tosh, Wolford & Douglass 999 Third Street Beaver, PA 15009 (724) 774-9220
GRINNELL, LLC	Steven A. Luxton, Esquire Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004 (202) 739-3001
GUARD LINE, INC.	(No Appearance docketed)
HONEYWELL, INC.	Donald H. Smith, Esquire Trisha R. Hudkins, Esquire Lewis Brisbois Bisgaard & Smith LLP 429 Fourth Avenue, Suite 805 Pittsburgh, PA 15219 (412) 567-5596
HONEYWELL INTERNATIONAL INC., f/k/a Allied Signal, Inc., as successor-in- interest to the Bendix Corporation	Eric K. Falk, Esquire Julie Nord Friedman, Esquire Rawle & Henderson, LLP 535 Smithfield Street, Suite 1000 Pittsburgh, PA 15222 (412) 261-5700
HONEYWELL INTERNATIONAL, INC., f/k/a Allied Signal, Inc., in its own right and as successor-in-interest to Allied Corporation (Wilputte Coke Oven Division), and as successor-in-interest to Allied Chemical (Wilputte Coke Oven Division), and as successor-in-interest to Wilputte Coke Oven Corporation	Kenneth S. Mroz, Esquire Kristy L. Eiter Swartz Campbell, LLC Koppers Building, 8 th Floor 436 Seventh Avenue Pittsburgh, PA 15219 (412) 232-9800
HOWDEN NORTH AMERICA, INC., f/k/a Howden Buffalo, Inc.	Alba A. Romano, Esquire Sandra L. Alven, Esquire Mark E. Floyd, Esquire

	Anne M. McFadden Riley, Hewitt, Witte & Romano, P.C. 650 Washington Road, Suite 300 Pittsburgh, PA 15228 (412) 341-9300
HUNTER SALES CORPORATION	Andrew F. Adomitis, Esquire Leo Gerard Daly, Esquire Litchfield Cavo LLP Two Gateway Center, 10 th Floor 603 Stanwix Street Pittsburgh, PA 15222 (412) 291-8240
HYSTER-YALE GROUP, INC.	Joseph J. Welter, Esquire Jason A. Botticelli, Esquire Goldberg Segalla LLP 665 Main Street Buffalo, New York 14203 (716) 566-5400
I.U. NORTH AMERICA, INC., as successor by merger to The Garp Company, formerly known as The Gage Company, formerly known as Pittsburgh Gage and Supply Company	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba 603 Stanwix Street Two Gateway Center, 17 North Pittsburgh, PA 15222 (412) 255-0500
IMO INDUSTRIES, INC., f/k/a IMO Delaval, Inc., f/k/a DeValco Corporation Inc., f/k/a DeLaval Turbine, Inc.	Eric K. Falk, Esquire Julie Nord Friedman, Esquire Rawle & Henderson, LLP 535 Smithfield Street, Suite 1000 Pittsburgh, PA 15222 (412) 261-5700
INDUCTOTHERM INDUSTRIES, INC.	Frank J. Stanek, Esquire Steptoe & Johnson PLLC 11 Grandview Circle, Suite 200 Canonsburg, PA 15317 (724) 873-3178
INDUSTRIAL HOLDINGS CORPORATION, f/k/a Carborundum Corporation	Joseph R. Schaper, Esquire Maron Marvel Bradley Anderson & Tardy LLC The Landmarks Building 100 West Station Square Drive Suite 250 Pittsburgh, PA 15219 (412) 281-5560
INDUSTRIAL RUBBER PRODUCTS	Miles A. Kirshner, Esquire Margolis Edelstein

	The Henry W. Oliver Building 535 Smithfield Street Suite 1100 Pittsburgh, PA 15222 (412) 281-4256
INGERSOLL-RAND CORPORATION	Kelly L. Smith, Esquire Edward A. Smallwood, Esquire Leo Gerard Daly, Esquire Michael J. Sechler, Esquire Litchfield Cavo LLP Two Gateway Center, 10 th Floor 603 Stanwix Street Pittsburgh, PA 15222 (412) 291-8240
ITT INDUSTRIES, INC.	Steven A. Luxton Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004 (202) 739-5452
JOHNSON CONTROLS, INC.	Steven A. Luxton Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004 (202) 739-5452
JOY GLOBAL SURFACE MINING, INC., f/k/a P&H Mining equipment, f/k/a Harnischfeger Corporation	Paul K. Vey, Esquire David E. Lamm, Esquire Pietragallo Gordon Alfano Bosick & Raspanti, LLP One Oxford Centre, 38 th Floor 301 Grant Street Pittsburgh, PA 15219 (412) 263-2000
JOY GLOBAL UNDERGROUND MINING, LLC, f/k/a Joy Technologies, Inc.	(No appearance docketed)
KELSEY-HAYES COMPANY	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba 603 Stanwix Street Two Gateway Center, 17 North Pittsburgh, PA 15222 (412) 255-0500
LEEDS & NORTHRUP COMPANY	Joseph R. Schaper, Esquire Maron Marvel Bradley Anderson & Tardy LLC The Landmarks Building 100 West Station Square Drive Suite 250 Pittsburgh, PA 15219

	(412) 281-5560 James P. Hadden, Esquire Maron Marvel Bradley Anderson & Tardy LLC Three Logan Square 1717 Arch Street, Suite 3710 Philadelphia, PA 19103 (215) 231-7100
LINDBERG	Joseph R. Schaper, Esquire Maron Marvel Bradley Anderson & Tardy LLC The Landmarks Building 100 West Station Square Drive Suite 250 Pittsburgh, PA 15219 (412) 281-5560 James P. Hadden, Esquire Maron Marvel Bradley Anderson & Tardy LLC Three Logan Square 1717 Arch Street, Suite 3710 Philadelphia, PA 19103 (215) 231-7100
LINDBERG MPH	(No appearance docketed)
M.S. JACOBS & ASSOCIATES, INC.	Joni M. Mangino, Esquire Daniel J. Cuddy, Esquire Zimmer Kunz, PLLC 310 Grant Street, Suite 3000 Pittsburgh, PA 15219 (412) 281-8000
MACK TRUCKS, INC.	John C. McMeekin, II Esquire Edward J. Chiodo, Esquire Rawle & Henderson LLP Henry W. Oliver Building 535 Smithfield Street, Suite 1000 Pittsburgh, PA 15222 (412) 261-5700
MAGNETEK, INC.	William J. Witte, Esquire Riley, Hewitt, Witte & Romano, P.C. 650 Washington Road, Suite 300 Pittsburgh, PA 15228 (412) 341-9300 Jeffrey J. Leibeck, Esquire Barclay Damon LLP The Avant Building - Suite 1200

	200 Delaware Avenue Buffalo, New York 14202 (716) 856-5500
M.V.S. COMPANY f/k/a/Mahoning Valley Supply Company of Youngstown Ohio	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
MALLINCKRODT US HOLDINGS, LLC	William C. Mills IV, Esquire Megan K. Bailey, Esquire Gordon Rees Scully Mansukhani, LLP One Commerce Square 2005 Market Street, Suite 2900 Philadelphia, PA 19103 (215) 561-2300
MARMON HOLDINGS, INC.	Cathy R. Gordon, Esquire Litchfield Cavo, LLP Two Gateway Center 603 Stanwix Street, 10 th Floor Pittsburgh, PA 15222 (412) 291-8240
McCARLS, INC.	(No appearance docketed)
MCMaster CARR SUPPLY	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
MCNALLY INDUSTRIES, LLC, in its own right and its Northern Pumps Division, in its own right	W. Matthew Reber, Esquire Christopher S. Arnold, Esquire Katherine A. Lowery, Esquire Matthew J. Doz, Esquire Kelley Jasons McGowan Spinelli Hanna & Reber, LLP Two Liberty Place, Suite 1900 50 South 16 th Street Philadelphia, PA 19102 (215) 854-0658 Gulf Tower Building, Suite 2701 707 Grant Street Pittsburgh, PA 15219 (412) 434-6577

MCNEIL (OHIO) CORPORATION	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
MESTEK, INC.	Richard P. O'Leary, Esquire Troutman Sanders LLP 875 Third Avenue New York, New York 10022 (212) 704-6000
MET-PRO CORPORATION, and its Dean Pump brand, d/b/a Met-Pro Global Pump Solutions	(No appearance docketed)
METROPOLITAN LIFE INSURANCE COMPANY, f/k/a Metropolitan Insurance Company	Stewart R. Singer, Esquire Salmon, Ricchezza, Singer & Turchi 1601 Market Street, Suite 2500 Philadelphia, PA 19103 (215) 606-6604
MILWAUKEE VALVE COMPANY	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba 603 Stanwix Street Two Gateway Center, 17 North Pittsburgh, PA 15222 (412) 255-0500
MINE SAFETY APPLIANCE COMPANY	Joseph F. Butcher , Esquire Gregory C. Scheuring Zimmer Kunz, PLLC 310 Grant Street, Suite 3000 The Grant Building Pittsburgh, PA 15219 (412) 281-8000
MINNOTTE CONTRACTING CORPORATION	Joni M. Mangino, Esquire Christopher T. Yoskosky, Esquire Zimmer Kunz, PLLC 310 Grant Building, Suite 3000 The Grant Building Pittsburgh, PA 15219 (412) 281-8000
MORGAN ENGINEERING SYSTEMS, INC.	Joni M. Mangino, Esquire Ryan A. Zeli, Esquire Zimmer Kunz, PLLC 310 Grant Building, Suite 3000 The Grant Building Pittsburgh, PA 15219

	(412) 281-8000
MOYNO, INC.	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
MUELLER CO., LLC	Joseph W. Selep, Esquire Adam S. Auchey, Esquire Zimmer Kunz, PLLC 310 Grant Building, Suite 3000 The Grant Building Pittsburgh, PA 15219 (412) 281-8000
MUELLER STEAM SPECIALTY	Andrew F. Adomitis, Esquire Leo Gerard Daly, Esquire Litchfield Cavo, LLP Two Gateway Center 603 Stanwix Street, 10 th Floor Pittsburgh, PA 15222 (412) 291-8240
MW CUSTOM PAPERS, LLC a/k/a MEAD	Michael A. Karaffa, Esquire Erin N. Margolin, Esquire Marshall Dennehey Warner Coleman & Goggin, P.C. Union Trust Building 501 Grant Street, Suite 700 Pittsburgh, PA 15219 (412) 803-1140
NAGLE PUMPS, INC.	Richard C. Polley, Esquire Adam J. Warhola, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222-5402 (412) 281-7272
NAVISTAR, INC. f/k/a INTERNATIONAL TRUCK AND ENGINE COMPANY	Daniel J. Sinclair Eckert Seamans Cherin & Mellott, LLC USX Tower, 44 th Floor 600 Grant Street Pittsburgh, PA 15219 (412) 566-2913
NORTEK GLOBAL HVAC, LLC, as successor by merger to Reznor, LLC	John A. Turlik, Esquire Segal McCambridge Singer & Mahoney

	1818 Market Street - Suite 2600 Philadelphia, PA 19103 (215) 972-8015
NORTH AMERICAN MANUFACTURING CO.	Richard C. Polley, Esquire Shannan Noe Cerrone, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222-5402 (412) 281-7272
OSRAM SYLVANIA, INC., in its own right and as successor-in-interest to GTE Products Corporation, The Clark Controller Company and A.O. Smith Corporation	(No appearance docketed)
PECORA CORPORATION	John M. Schollaert, Esquire Daniel R. Bentz, Esquire Marks, O'Neill, O'Brien, Doherty & Kelly, P.C. 2600 Gulf Tower 707 Grant Street Pittsburgh, PA 15219 (412) 391-6171
PENNSYLVANIA POWER COMPANY	John C. McMeekin, II Esquire Rawle & Henderson LLP Henry W. Oliver Building 535 Smithfield Street, Suite 1000 Pittsburgh, PA 15222 (412) 261-5700
PENTAIR VALVES & CONTROLS, LLC f/k/a Keystone Valves and Controls, Inc.	Joseph W. Selepe, Esquire Adam S. Auchey, Esquire Zimmer Kunz, PLLC 310 Grant Building, Suite 3000 The Grant Building Pittsburgh, PA 15219 (412) 281-8000
PNEUMO ABEX, LLC, as successor-in-interest to Abex Corporation	Catherine N. Jasons, Esquire Christopher S. Arnold, Esquire James M. Leety, Esquire Katherine A. Lowery, Esquire Eric A. Fischer, Esquire Kelley Jasons McGowan Spinelli Hanna & Reber, LLP 1818 Market Street Suite 3205 Philadelphia, PA 19103 (215) 854-0658 Gulf Tower Building, Suite 2701

	707 Grant Street Pittsburgh, PA 15219 (412) 434-6577
POWER PIPING COMPANY	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
POWERMASTER PACIFIC PRODUCTS, a/k/a Pacific Parts, Inc.	Julie Nord Friedman, Esquire Rawle & Henderson, LLP 535 Smithfield Street, Suite 1000 Pittsburgh, PA 15222 (412) 261-5700
RCH NEW CO., II LLC, f/k/a Robertson Ceco Corporation, an alleged successor to H.H. Robertson Company	(No appearance docketed)
READING CRANE AND ENGINEERING COMPANY	Christian W. Wrabley, Esquire David F. Ryan, Esquire Joni M. Mangino, Esquire Zimmer Kunz PLLC 310 Grant Street, Suite 3000 Pittsburgh, PA 15219 (412) 281-8000
RESEARCH-COTTRELL, INC., n/k/a AWT COMPANY, INC.	Joseph L. Orszulak, II, Esquire Riley, Hewitt, Witte & Romano, P.C. 650 Washington Road Suite 300 Pittsburgh, PA 15228 9412) 341-9300
REUNION INDUSTRIES, INC.	Edward A. Smallwood, Esquire Cathy R. Gordon, Esquire Litchfield Cavo, LLP Two Gateway Center 603 Stanwix Street, 10 th Floor Pittsburgh, PA 15222 (412) 291-8240
RILEY POWER, INC., f/k/a Riley Stoker Corporation	Eric K. Falk, Esquire Julie Nord Friedman, Esquire Rawle & Henderson, LLP 535 Smithfield Street, Suite 1000 Pittsburgh, PA 15222 (412) 261-5700
ROBBINS & MYERS, INC.	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire

	Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
ROBINSON FANS, INC.	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
ROCKWELL AUTOMATION, INC., successor by merger to Allen Bradley Co.	G. Daniel Bruch, Jr., Esquire One Liberty Place - 38 th Floor 1650 Market Street Philadelphia, PA 19103 (215) 564-5190
RUST ENGINEERING & CONSTRUCTION, INC., f/k/a the Rust Engineering Company	Michael Magee, Esquire Dinsmore & Shohl, LLP 1300 Six PPG Place Pittsburgh, PA 15222 (412) 281-5000
SAINT-GOBAIN ABRASIVES, INC., f/k/a Norton Company	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba 603 Stanwix Street Two Gateway Center, 17 North Pittsburgh, PA 15222 (412) 255-0500
SAUER, INC.	Paul K. Vey, Esquire Pietragallo Gordon Alfano Bosick & Raspanti, LLP One Oxford Centre - 38 th Floor 301 Grant Street Pittsburgh, PA 15219 (412) 263-2000
SCHNEIDER ELECTRIC USA, INC., f/k/a Square D Company	Michael J. Zukowski, Esquire Fox Rothschild LLP BNY Mellon Center 500 Grant Street Suite 2500 Pittsburgh, PA 15219 (412) 391-1334
SIEMENS INDUSTRY, INC., in its own right, and as successor-in-interest to I-T-E Circuit Breaker Company	James B. Insko, II, Esquire Leanne M. Gaefke, Esquire Gordon & Rees LLP 707 Grant Street, Suite 3800 Pittsburgh, PA 15219

	(412) 577-7400
SIMAKAS COMPANY, INC.	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
SPIRAX SARCO, INC.	Vincent Scaglione, Jr. Esquire Max T. Busatto, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222-5402 (412) 281-7272
SPX COOLING TECHNOLOGIES, INC., f/k/a Marley Cooling Technologies, Inc., f/k/a The Marley Cooling Tower Company	Matthew R. Wimer Wimer Law Offices, P.C. 333 Pennsylvania Avenue Oakmont, PA 15139 (412) 820-1234
STERLING FLUID SYSTEMS (USA), LLC	W. Matthew Reber, Esquire Christopher S. Arnold, Esquire Katherine A. Lowery, Esquire Matthew J. Doz, Esquire Kelley Jasons McGowan Spinelli Hanna & Reber, LLP Two Liberty Place, Suite 1900 50 South 16th Street Philadelphia, PA 19102 (215) 854-0658 Gulf Tower building, Suite 2701 707 Grant Street Pittsburgh, PA 15219 (412) 434-6577
SUNBEAM PRODUCTS, INC., as success- in-interest to Sunbeam Corporation	Michael A. Karaffa, Esquire Ryan M. Krescanko, Esquire Marshall Dennehey Warner Coleman & Goggin, P.C. Union Trust Building 501 Grant Street, Suite 700 Pittsburgh, PA 15219 (412) 803-1140
SUNDYNE, LLC	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150

	Pittsburgh, PA 15237 (412) 366-3333
SURFACE COMBUSTION	Patrick R. Malone, Esquire Leech Tishman Fuscaldo & Lampl, LLC 525 William Penn Place, 28 th Floor Pittsburgh, PA 15219 (412) 261-1600
SWINDELL-DRESSLER INTERNATIONAL COMPANY	Eric A. Fischer, Esquire James M. Leety, Esquire Katherine A. Lowery, Esquire Matthew Doz, Esquire Kelley Jasons McGowan Spinelli Hanna & Reber, LLP Two Liberty Place, Suite 1900 50 South 16th Street Philadelphia, PA 19102 (215) 854-0658 Gulf Tower Building, Suite 2701 707 Grant Street Pittsburgh, PA 15219 (412) 434-6577
THE GOODYEAR TIRE & RUBBER COMPANY	Julie Nord Friedman, Esquire John C. McMeekin, II, Esquire Rawle & Henderson, LLP 535 Smithfield Street, Suite 1000 Pittsburgh, PA 15222 (412) 261-5700
THE GORMAN-RUPP COMPANY	Joni M. Mangino, Esquire Ryan A. Zeli, Esquire Zimmer Kunz, PLLC 310 Grant Street, Suite 3000 Pittsburgh, PA 15219 (412) 281-8000
THE NASH ENGINEERING COMPANY	Edward A. Smallwood, Esquire Litchfield Cavo, LLP Two Gateway Center 603 Stanwix Street, 10 th Floor Pittsburgh, PA 15222 (412) 291-8243
THE WILLIAM POWELL COMPANY	William F. Mueller, Esquire Elisabeth R. Bala, Esquire Clemente Mueller, P.A. BNY Mellon Center 1735 Market Street, Suite 3750 Philadelphia, PA 19103

	(215) 568-2130
TRANE U.S. INC., f/k/a American Standard Corporation, f/k/a American Radiator & Standard Sanitary, in its own right and as successor to Westinghouse Airbrake and/or WABCO	Edward A. Smallwood, Esquire Leo Gerard Daly, Esquire Michael J. Sechler, Esquire Litchfield Cavo, LLP Two Gateway Center 603 Stanwix Street, 10 th Floor Pittsburgh, PA 15222 (412) 291-8243
TRUMBELL INDUSTRIES, INC., d/b/a Trumbell Supply Company., Inc.	Concetta A. Silvaggio, Esquire Ronald J. Richert, Esquire Willman & Silvaggio, LLP One Corporate Center 5500 Corporate Drive, Suite 150 Pittsburgh, PA 15237 (412) 366-3333
TUTHILL CORPORATION	John C. McMeekin, II, Esquire Edward J. Chiodo, Esquire Rawle & Henderson, LLP 535 Smithfield Street, Suite 1000 Pittsburgh, PA 15222 (412) 261-5700
UB WEST VIRGINIA, INC., f/k/a UNION BOILER COMPANY	Michael A. Karaffa, Esquire Erin N. Margolin, Esquire Marshall Dennehey Warner Coleman & Goggin, P.C. Union Trust Building 501 Grant Street, Suite 700 Pittsburgh, PA 15219 (412) 803-1140
UNION CARBIDE CORPORATION	Richard L. Walker, II, Esquire Christopher S. Arnold, Esquire James M. Leety, Esquire Katherine A. Lowery, Esquire Eric A. Fischer, Esquire Kelley Jasons McGowan Spinelli Hanna & Reber, LLP Two Liberty Place, Suite 1900 50 South 16th Street Philadelphia, PA 19102 (215) 854-0658 Gulf Tower Building, Suite 2701 707 Grant Street Pittsburgh, PA 15219
UNITED CONVEYOR CORPORATION	Jeanne Welch Sopher, Esquire

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UNITED STATES STEEL CORPORATION	J. Lawson Johnston, Esquire Scott D. Clements, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222-5402 (412) 281-7272
VELAN VALVE CORPORATION	Joseph R. Schaper, Esquire Maron Marvel Bradley Anderson & Tardy LLC The Landmarks Building Suite 250 100 West Station Square Drive Pittsburgh, PA 15219 (412) 281-5560
VIKING PUMP, INC.	Jennifer E. Watson, Esquire Wilbraham Lawler & Buba Two Gateway Center, 17 North 603 Stanwix Street Pittsburgh, PA 15222 (412) 255-0500
W.W. GRAINGER, INC.	(No appearance docketed)
WARREN PUMPS, LLC	Patrick T. Reilly, Esquire Ryan M. Krescanko, Esquire Marshall Dennehey Warner Coleman & Goggin, P.C. Union Trust Building 501 Grant Street, Suite 700 Pittsburgh, PA 15219 (412) 803-1140
WASHINGTON GROUP INTERNATIONAL f/k/a Raytheon Engineers and Constructors, Inc. and all its domestic subsidiaries including The Badger Company, Inc.	Richard E. Bliss, Esquire Margolis Edelstein The Henry W. Oliver Building, Suite 1100 535 Smithfield Street Pittsburgh, PA 15222 (412) 281-4256
WATSON McDANIEL COMPANY	Richard E. Bliss, Esquire Margolis Edelstein The Henry W. Oliver Building, Suite 1100 535 Smithfield Street Pittsburgh, PA 15222

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WATTS REGULATOR CO.	(No appearance docketed)
WEIL-McLAIN COMPANY	Christopher H. Jones, Esquire Jessica L. Titler-Lingle, Esquire McElroy Deutsch Mulvaney & Carpenter, LLP 1617 John F. Kennedy Boulevard Suite 1500 Philadelphia, PA 19103 (215) 557-2900
WHEELABRATOR AIR POLLUTION CONTROL, INC.	Michael Magee, Esquire Dinsmore & Shohl, LLP 1300 Six PPG Place Pittsburgh, PA 15222 (412) 281-5000
WT/HRC CORPORATION, f/k/a Whiting Corporation	(No appearance docketed)
WTI RUST HOLDINGS, INC.	Michael Magee, Esquire Dinsmore & Shohl, LLP 1300 Six PPG Place Pittsburgh, PA 15222 (412) 281-5000
YORK INTERNATIONAL CORPORATION	Steven A. Luxton Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004 (202) 739-5452
YUBA HEAT TRANSFER LLC	Shannan Noe Cerrone, Esquire Dickie, McCamey & Chilcote, P.C. Two PPG Place, Suite 400 Pittsburgh, PA 15222-5402 (412) 281-7272
ZURN INDUSTRIES, a/k/a Erie City Iron Works	Edward A. Miller, Esquire Melissa D. Cochran, Esquire Renee D. Loya, Esquire Steptoe & Johnson PLLC 11 Grandview Circle, Suite 200 Canonsburg, PA 15317 (724) 749-3140

s/ Bryan S. Neft

Bryan S. Neft, Esquire